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09/428,384

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02/04/2009

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2162

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/428,384 | Applicant(s) DICKSON, STEPHEN WILLARD | |
| | Examiner ANH LY | Art Unit 2162 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26, 33-35 and 38 is/are allowed.
- 6) ☒ Claim(s) 27-32, 36-37 and 39-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicant's APPEAL BRIEF filed on 11/03/2008.

Reopening of Prosecution after Appeal Brief

2. In view of the Appeal Brief filed on 11/03/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

3. If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

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(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37.

The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John Breene/

Supervisory Patent Examiner, Art Unit 2162

4. Claims 27-32, 36-37 and 39-40 are pending this Application.
5. Claims 1-26, 33-35 and 38 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 27-32, 36-37 and 39-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 27, 30 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bostian et al. (US Patent No.: 6,339,793 B1, hereinafter as BOSTIAN).

With respect to claim 27, BOSTIAN teaches a computerized data file system (see figs. 3A, 3B, 4 and 5; col. 4, lines 30-67 and col. 5, lines 1-65), comprising:

means for maintaining a data file stored in a computer-readable memory (file system to be maintained stored in the memory: col. 6, lines 6-60); and

means for generating a first message requesting grant of a plurality of tokens (see fig. 4, global tokens in each of computer node system: item 200', 202 and 200": col. 4, lines 62-67 and col. 5, lines 1-12) required to modify at least one characteristic of said file stored in said computer-readable memory (the server maintains or manages the file system residing in the server: see figs. 3A and 4, item 200 and the metadata or data file stored in the in-memory or cache: col. 4, lines 46-53);

means for generating a second message, in response to said first message, that grants said tokens if said tokens are available for grant (a second process, first client computer node, item 200 and 200' in the figs. 3A and 4 respectively issuing message request to the server computer node, see fig. 3B, item 50, where (server) obtains a plurality of tokens or global tokens required for the client computer node (item 200') to modification of file data: col. 4, lines 62-67 and col. 5, lines 1-40 and in response to the message request from the second process, the server system or the first process would respond to the client node by sending a response message to the first client computer node: in figs 3A and 3B, item 54; col. 4, lines 40-45); and

means for modifying said data file stored in said computer-readable memory, if said tokens are granted (client computer node 200 includes modification of file data, the client computer node first requests permission for write access from the server 202 that owns the file's metadata. The client system 200 therefore sends a message to the server 202 requesting write access to the file: col. 5, lines 20-25; also see figs 3A and 4, col. 4, lines 20-45 and lines 62-67 and col. 5, lines 1-12).

With respect to claim 30, BOSTIAN teaches a computerized method for coherently maintaining and modifying a data file (see figs. 3A, 3B, 4 and 5; col. 4, lines 30-67 and col. 5, lines 1-65), comprising:

maintaining the said data file in a computer-readable memory (file system to be maintained stored in the memory: col. 6, lines 6-60);

generating a first message requesting grant of a plurality of tokens required to modify at least one characteristic of said data file in said computer-readable memory (a second process, first client computer node, item 200 and 200' in the figs. 3A and 4 respectively issuing message request to the server computer node, see fig. 3B, item 50, where (server) obtains a plurality of tokens or global tokens required for the client computer node (item 200') to modification of file data: col. 4, lines 62-67 and col. 5, lines 1-40 and in response to the message request from the second process, the server system or the first process would respond to the client node by sending a response message to the first client computer node: in figs 3A and 3B, item 54; col. 4, lines 40-45); and

generating a second message, in response to said first message, that grants said tokens if said tokens are available for grant (a second process, first client computer node, item 200 and 200' in the figs. 3A and 4 respectively issuing message request to the server computer node, see fig. 3B, item 50, where (server) obtains a plurality of tokens or global tokens required for the client computer node (item 200') to modification of file data: col. 4, lines 62-67 and col. 5, lines 1-40 and in response to the message request from the second process, the server system or the first process would respond to the client node by sending a response message to the first client computer node: in figs 3A and 3B, item 54; col. 4, lines 40-45); and

if said tokens are granted, modifying said at least one characteristic of said data file in said computer-readable memory (client computer node 200 includes modification of file data, the client computer node first requests

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permission for write access from the server 202 that owns the file's metadata.

The client system 200 therefore sends a message to the server 202 requesting write access to the file: col. 5, lines 20-25; also see figs 3A and 4, col. 4, lines 20-45 and lines 62-67 and col. 5, lines 1-12).

With respect to claim 36, BOSTIAN teaches a computerized method for use in maintaining coherency of a data file stored in a computer-readable memory (see figs. 3A, 3B, 4 and 5; col. 4, lines 30-67 and col. 5, lines 1-65), comprising:

generating a request for grant of a set of tokens (see fig. 4, global tokens in each of computer node system: item 200', 202 and 200": col. 4, lines 62-67 and col. 5, lines 1-12) required to enable modification of at least one characteristic of the data file stored in the computer-readable memory (generating a request for modifying the data file: col. 5, lines 20-48 and col. 7, lines 32-58) and

in response to the set of tokens being granted, modifying the at least one characteristic of the data file stored in the computer-readable memory (granting or permission for modifying the data file: col. 5, lines 50-65 and col. 7, lines 32-58).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 28-29, 31-32, 37 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bostian et al. (US Patent No.: 6,339,793 B1, hereinafter as BOSTIAN) in view of Loucks et al. (US Patent No. 5,634,122, hereafter as LOUCKS).

With respect to claims 28-29, BOSTIAN teaches a computerized data file system as discussed in claim 27.

BOSTIAN teaches a client/server architecture computer system for maintaining or managing the file systems. BOSTIAN does not explicitly teach means for generating, if any of said tokens are unavailable for grant as a result of current grant of said tokens, a third message revoking the current grant of said tokens and means for generating, in response to said third message, a fourth message making said tokens available for grant as claimed.

However, LOUCKS teaches client machine and server machine (see fig. 3 and fig. 5, col. 5, lines 7-10 and col. 7, lines 32-40); third message and tokens are unavailable grant to the second process (abstract, col. 6, line 8-40 and col. 7, lines 52-67); fourth message for grant by first process (abstract and col. 6, lines 8-40) and client/server architecture network with network file system and distributing file system (see fig. 3 and 5); and tokens represent an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data (col. 6, lines 8-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of BOLTIAN with the teachings of LOUCKS. One having ordinary skill in the art would have found it motivated to utilize the use of subsequent messages and client/server architecture as disclosed (LOUCKS's abstract and col. 6, lines 8-40), into the system of BOSTIAN for the purpose of tokens representing an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data (LOUCKS' col. 6, lines 8-15).

With respect to claims 31-32, BOSTIAN teaches a computerized data file system as discussed in claim 30.

BOSTIAN teaches a client/server architecture computer system for maintaining or managing the file systems. BOSTIAN does not explicitly teach if any of said tokens are unavailable for grant as a result of current grant of said tokens to at least one other process, generating a third message revoking the grant of said tokens and wherein: in response to said third message, a fourth message making said tokens available for grant is generated as claimed.

However, LOUCKS teaches client machine and server machine (see fig. 3 and fig. 5, col. 5, lines 7-10 and col. 7, lines 32-40); third message and tokens are unavailable grant to the second process (abstract, col. 6, line 8-40 and col. 7, lines 52-67); fourth message for grant by first process (abstract and col. 6, lines 8-40) and client/server architecture network with network file system and distributing file system (see fig. 3 and 5); and tokens represent an authorization

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for a process to perform a certain function, e.g., a “read” token permit client to read data while a “write” token permits the client to update data (col. 6, lines 8-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of BOLTIAN with the teachings of LOUCKS. One having ordinary skill in the art would have found it motivated to utilize the use of subsequent messages and client/server architecture as disclosed (LOUCKS’s abstract and col. 6, lines 8-40), into the system of BOSTIAN for the purpose of tokens representing an authorization for a process to perform a certain function, e.g., a “read” token permit client to read data while a “write” token permits the client to update data (LOUCKS’ col. 6, lines 8-15).

With respect to claim 37, BOSTIAN teaches a computerized data file system as discussed in claim 36.

BOSTIAN teaches a client/server architecture computer system for maintaining or managing the file systems. BOSTIAN does not explicitly teach the set of tokens comprises all tokens required for the first process to be able to modify the at least one characteristic of the file as claimed.

However, LOUCKS teaches second process resides in the second computer node (see fig. 3 and fig. 5, client machine and server machine; col. 5, lines 7-10 and col. 7, lines 32-40) and set of tokens (col. 6, lines 8-35 and col. 8, lines 32-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of BOLTIAN with the teachings of LOUCKS. One having ordinary skill in the art would have found it motivated to utilize the use of subsequent messages and client/server architecture as disclosed (LOUCKS's abstract and col. 6, lines 8-40), into the system of BOSTIAN for the purpose of tokens representing an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data (LOUCKS' col. 6, lines 8-15).

With respect to claims 39-40, BOSTIAN teaches a system and method as discussed in claim 27 and 30 respectively.

BOSTIAN teaches a client/server architecture computer system for maintaining or managing the file systems. BOSTIAN does not explicitly teach means for modifying said at least one characteristic of said file stored in said computer-readable memory and modifying said at least one characteristic of said file stored in said computer-readable memory as claimed.

However, LOUCKS teaches tokens represent an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data (col. 6, lines 8-15) and client cache manager requests Open-Read and Open-Write tokens when it mounts the first set (col. 8, lines 35-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of BOLTIAN with

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the teachings of LOUCKS. One having ordinary skill in the art would have found it motivated to utilize the use of subsequent messages and client/server architecture as disclosed (LOUCKS's abstract and col. 6, lines 8-40), into the system of BOSTIAN for the purpose of tokens representing an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data (LOUCKS' col. 6, lines 8-15).

Allowable Subject Matter

11. The following is a statement of reasons for the indication of allowable subject matter for claims 1-26, 33-35 and 38: "modifying the at least one characteristic of the file without receiving a copy of the file".

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV (Written Authorization being given by Applicant (MPEP 502.03 [R-2])) or fax to (571) 273-4039 (unofficial fax number directly to examiner's office). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center: (571) 273-8300.

ANH LY /AL/
JAN. 22nd, 2009

/John Breene/
Supervisory Patent Examiner, Art Unit 2162